

May 26, 2005
Case No. GP-301244 (2760/22)
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- REMARKS -

Claims 21-24 have been amended solely to correct a typographical error and omission of the word "and" and to place the claims in better form. Claims 21-24 have not been amended to avoid any reference, and the substance of the claims remains identical. Applicant claims any and all equivalents of the unamended claims, and reserves the right to present claims 21-24 in their unamended form in a continuation application.

A. Claims 21-24 were subjected to a restriction requirement

The restriction requirement applicable to claims 21-24 is traversed.

A restriction requirement is only proper if the search and examination of the entire application can be made without serious burden. *See*, MPEP §803. This is true regardless of the status of the application as including independent or distinct invention (which Applicant neither admits nor denies).

Additionally, the Examiner fails to make a prima facie case that the claimed inventions are separate and distinct. The Examiner merely paraphrases the claims as his justification for the restriction. While Applicant does not necessarily agree that the Examiner has accurately paraphrased the claims, nor what the claims require, the Examiner is required to make a prima facie case – which he has not done.

Withdrawal of the restriction requirement is requested, as well as consideration of the these claims.

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B. Claims 1-6, 8-11, 13-16, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mölne in view of Kakinuma

The §103(a) rejection of claims 1-6, 8-11, 13-16, and 18-20 is traversed.

In order to maintain this §103(a) rejection, each and every element of the claims must be taught or suggested in the reference in at least as great detail as claimed. At a minimum, Mölne in view of Kakinuma fails to teach or suggest "selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion" as claimed in claims 1, 11 and 16.

The Examiner continues to mistake the teachings of Kakinuma. Rather than teaching "selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion," Kakinuma merely teaches that a failed connection "can be realized by defining the communication regulation information within a signal." See, column 5, lines 58-60. While Kakinuma additionally teaches that "a mobile station release signal is sent from the macro-cell base station to the mobile station, where the communication regulation information is set in the mobile station release signal" (column 6, lines 1-4), Kakinuma does not teach the claimed element. Since, Mölne does not cure this deficiency of Kakinuma, the combination of the prior art cannot be read to have taught or suggested each and every claim limitation.

As Mölne in view of Kakinuma does not teach or suggest each and every element of the claims, Applicants request withdrawal of the rejections to claims 1, 11, and 16 and claims 2-6, 8-10, 13-15 and 18-20 depending from those claims.

C. Claims 7, 12, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mölne in view of Kakinuma in further view of Lintulampi

The §103(a) rejection of claims 7, 12, and 17 is traversed. Claims 7, 12, and 17 depend from claims 1, 11, and 16 respectively, and are therefore patentable over Mölne in view of Kakinuma in further view of Lintulampi for at least the reasons above. Withdrawal of the rejections to claims 7, 12, and 17 is requested.

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SUMMARY

The Examiner's rejections of claims 1-24 have been obviated by remarks herein supporting an allowance of pending claims 1-24 over the art of record. The Applicant respectfully submits that claims 1-24 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below

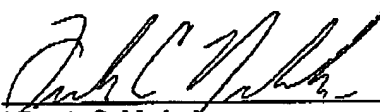
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